



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re the application of
John Francis Gordon**

Serial No.: 9/991,429

Filed: November 16, 2001

**For: APPARATUS AND METHOD FOR
CARRYING OUT ANALYSIS OF
SAMPLES USING SEMI-REFLECTIVE
BEAM RADIATION INSPECTION**

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Art Unit: 2877

Examiner: Zandra V. Smith

Attorney Docket No.:
GORD-100023-USD10

**TERMINAL DISCLAIMER PURSUANT TO 37 C.F.R. § 1.321(c)
TO OBVIATE DOUBLE PATENTING REJECTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Donald Bollella, being the undersigned representative of record for the invention claimed in the above-referenced United States patent application, hereby submit this Disclaimer on behalf of the Assignees Burstein Technologies, Inc. of Santa Monica, California and Nagaoka & Co., Ltd. of Hyogo, Japan.

The extent of interest in this invention that Disclaimants Burstein Technologies, Inc. and Nagaoka & Co., Ltd. each own is an undivided partial interest in the whole thereof.

Copies of the assignments relating to establishing ownership by the Disclaimants hereof, are included with the Certificate Under 37 C.F.R. Section 3.73(b) filed concurrently herewith.

The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173 of U.S Patent No. 6,327,031 is hereby

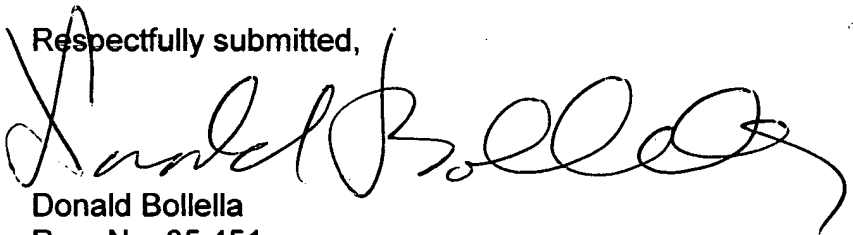
disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,327,031; this agreement to run with any patent granted on the above-identified patent application and to be binding upon the grantee, its successor, or assigns.

In making the above disclaimer, Disclaimants do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,327,031, in the event that any of these later expire for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37CFR 1.321, has all claims canceled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The fee associated with the filing hereof under 37 C.F.R. Sec. 1.20(d) is enclosed herewith.

Date: Feb 28, 2004

Donald Bollella, Esq.
DB TECHNICAL CONSULTING
126 Almador
Irvine, CA 92614
(949) 584-3084

Respectfully submitted,

Donald Bollella
Reg. No. 35,451